

**MINUTES  
REGULAR MEETING OF THE STUART CITY COMMISSION  
HELD October 14, 2019  
AT 5:30 PM Commission Chambers  
121 SW FLAGLER AVE.  
STUART, FLORIDA 34994**

**CITY COMMISSION**

**Mayor Rebecca S. Bruner  
Vice Mayor Eula R. Clarke  
Commissioner Kelli Glass Leighton  
Commissioner Merritt Matheson  
Commissioner Mike Meier**

**ADMINISTRATIVE**

**City Manager, David Dyess  
City Attorney, Michael J. Mortell  
City Clerk, Mary R. Kindel**



**5:30 PM ROLL CALL**

**Present: Mayor Bruner, Vice Mayor Clarke, Commissioner Glass Leighton,  
Commissioner Matheson, Commissioner Meier.**

**PLEDGE OF ALLEGIANCE**

**1. ARTS MOMENT - SONG BY SAMARA LEWIS**

**Samara Lewis sung *I Still Believe in Love* by Lea Salonga and accepted a Certificate of Recognition from the Commission.**

**PROCLAMATIONS**

**2. FLORIDA CITY GOVERNMENT WEEK - OCTOBER 21-27, 2019**

**The East 10<sup>th</sup> Street Community Services Reach-Up Teen Council came forward to accept the Proclamation. Nyla Hines, 6<sup>th</sup> grader, commented that she would like to help the East Stuart Youth Initiative (ESYI) be more active, have fun, and be safe.**

### **3. DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER 2019**

**Tracy Levy of Safe Space thanked the Commission and announced statistics related to domestic violence.**

### **PRESENTATIONS**

#### **4. 'REACH UP' EAST STUART YOUTH INITIATIVE ANTI-GANG/BULLYING CAMPAIGN, BY COMMUNITY SERVICES STAFF.**

**Jim Chrulski and Julie McHenry of the Community Services Department presented briefly on the youth anti-gang/bullying campaign poster contest and introduced the Kindergarten through teen poster contest winners who came forward to be recognized.**



#### **5:52 PM COMMENTS BY CITY COMMISSIONERS**

##### **Commissioner Glass Leighton**

- No Comments.

##### **Commissioner Matheson**

- Read from a prepared statement in response to comments received by the public in communication about the plastics regulation, stated that the City's small steps will lead to improvement.

##### **Commissioner Meier**

- Thanked all for coming out and encouraged them to come out for every meeting.

##### **Vice Mayor Clarke**

- Commented that she agreed with Commissioner Meier and appreciated the public participation.
- Commented on requesting a Discussion and Deliberation topic be brought back to the Commission on the history of Stuart's arts culture and identify funding opportunities.

##### **Mayor Bruner**

- No Comments.

### **COMMENTS BY CITY MANAGER**

##### **City Manager Dyess**

- Commented on pulling Item #8 on the Consent Agenda, it will not be heard tonight, it will be re-bid due to a scrivener's error in the bid process.

## **APPROVAL OF AGENDA**



**5:57 PM Motion: Move approval of the Agenda.**

**Moved by: Commissioner Glass Leighton**

**Seconded by: Vice Mayor Clarke**

**Motion passed unanimously.**

## **COMMENTS FROM THE PUBLIC (5 min. max)**

- 1) Dave Derrenbacker – North Carolina Drive; resident of 22 years commented on the various Palm City Road modifications, the crosswalks and signage. Feels the City keeps doing the same thing expecting different results and should not react every time someone complains about a speeder. Requests the City stop the work being done and would like to see a master plan.**

## **CONSENT CALENDAR**

**5. APPROVAL OF 09/23/2019 SCM PLASTICS WORKSHOP #3, 09/23/2019 SCM FINAL BUDGET, AND 09/23/2019 CCM MINUTES.**

**6. ABANDONMENT OF TEMPORARY EASEMENT AT MARTIN LUTHER KING BLVD AND PALM BEACH RD.:**

RESOLUTION No. 93-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER AND CITY CLERK TO TERMINATE AND ABANDON AN EXISTING TEMPORARY LANDSCAPE EASEMENT DEED ENTERED INTO WITH CLYDE COUTANT, TRUSTEE ON OR ABOUT APRIL 23, 2008; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**7. AUTHORIZATION FOR SALE OF 2375 S. KANNER HIGHWAY:**

RESOLUTION No. 97-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL ESTATE SALES AGREEMENT WITH 16 KANNER, LLC FOR THE SALE OF REAL PROPERTY OWNED BY THE CITY OF STUART LOCATED AT 2375 S. KANNER HIGHWAY, STUART, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**REMOVED 8. AWARD BID FOR AQUIFER TEST WELL:**

RESOLUTION No. 95-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF ITB #2019-108, FLORIDAN AQUIFER TEST PRODUCTION WELL FA-1 TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER TOTAL UNIT PRICE OF \$1,082,000.00 TO ALL WEBBS ENTERPRISES, INC OF JUPITER, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**9. AWARD BID TO PAVE ALLEYWAY:**

RESOLUTION No. 96-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2019-106, FRAZIER ADDITION ALLEYWAY IMPROVEMENTS TO THE LOW EST, RESPONSIVE, RESPONSIBLE BIDDER TOTAL UNIT PRICE OF \$387,961.60 TO SUNSHINE LAND DESIGN OF STUART, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**10. AMENDING LEASE WITH DUFFIELD MARINE:**

RESOLUTION No. 98-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF STUART AND DUFFIELD MARINE, INC. FOR THAT CERTAIN PROPERTY KNOWN AS THE SHEPARD PARK BUILDING (FORMER CHAMBER OF COMMERCE BUILDING); PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**11. SRF LOAN ADJUSTMENT:**

RESOLUTION No. 99-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING AMENDMENT 1 TO THE STATE OF FLORIDA DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT DW430420. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**END OF CONSENT CALENDAR**

 **6:00 PM Motion: Move approval of the Consent Agenda pulling Item 8. [Item #8 removed from the Agenda.]**

**Moved by: Commissioner Glass Leighton**

**Seconded by: Commissioner Meier**

**Motion passed unanimously.**

**COMMISSION ACTION**


**12. THE PELICAN CAFE LEASE, 351 SW FLAGLER AVENUE:**

RESOLUTION No. 71-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF STUART AND THE PELICAN CAFÉ, LLC FOR THE PROPERTY LOCATED AT 351 SW FLAGLER AVENUE, STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**City Manager Dyess briefly updated the Commission on the Pelican Café lease agreement.**

**Public Comment:**

- 1) Linda Daly - Flagler Avenue; Co-owner of Pelican Café, commented on their restaurant and identified language that they did not want to see changed in the lease. Encourages the City to vote yes for the long-term lease.
- 2) Paul Daly – Flagler Avenue; Co-owner of Pelican Café, commented on how the business has grown from when they started and reviewed the history of the lease negotiations. Requests that the Commission accepts the lease that is before them.
- 3) Gerry Saelzer – Flagler Ave. Business owner (Palm City resident); In support of Pelican Café lease.
- 4) Liza Breslaw – Lexington Lakes Drive; In support of Pelican Café lease.
- 5) Michael Hill – Fairway West; In support of Pelican Café lease.
- 6) John Hasson – Everglades Blvd.; In support of Pelican Café lease.
- 7) Anci Nichelsen – Braeman Way; In support of Pelican Café lease.
- 8) Bo Stone – Ballantrea Court; In support of Pelican Café lease.
- 9) Joan Jefferson – Inwood Pines Ln.; In support of Pelican Café lease.
- 10) John Pulley – Prestwick Ln.; In support of Pelican Café lease.
- 11) David Goodman – Community Drive (Jupiter resident); In support of Pelican Café lease.
- 12) Duane Feldner – Gossamer Circle; In support of Pelican Café lease.
- 13) Mark Nicholas – Villas; In support of Pelican Café lease.

 **6:41 PM** City Manager Dyess commented on the Pelican Café being a local favorite in the community and clarified the reason for the language update to the lease. The rent is currently below market, however, the language in the agenda item simply states that in the event that a transfer assignment were to occur, the City would have the right to renegotiate the rent by comparing with properties of similar size, condition, and amenities.

- 14) Helen McBride – Flamingo Ave.; Concern for Flagler Park and does not want to see another long-term lease.

Commissioner Matheson commented that they are standing up for taxpayers and does not appreciate being called a freshman and inexperienced. He has done research and feels the City is subsidizing to have the Pelican Café in the City, that

they are not paying market rent. Announced that he would hold by the referendum but will also hold by the second part of the referendum which states the lease will provide tax relief to the resident of the City. Feels the lease should be on the taxpayer's terms, not on the owners of the Pelican Café's terms.

Commissioner Meier read from an email blast that he felt put words in his mouth about putting out an RFP for a money generating business in place of the Pelican Café. He clarified that he has not stated this information and commented that out of the nearly 200 emails received over the past few weeks, less than 10% were from City residents and only one comment tonight was from a resident. After discussions, residents understood the protections for their property. He explained that he is not interested in subsidizing a business so that it may profit privately.

Vice Mayor Clarke commented on the five points that need to be taken into consideration to protect the fiduciary duty.

Mayor Bruner commented that she was fine with the 10 years (5 and 5) but the City must protect itself.

Commission Glass Leighton commented that the Pelican Café is valued but she feels the City should have the right to renegotiate the lease if there is a sale or transfer.

City Attorney Mortell read the lease language regarding the right to renegotiate.

Linda Daly, Pelican Café owner, came forward stating they have no intention to sell and they are ok with the negotiation part but not with the other parts.


Commissioner Matheson commented that several terms within this lease are not spelled out.

Attorney Mortell requested clarification from the Daly's on whether they would be willing to move forward with the 10-year lease with the two 5-year options including the addition of the building and rooftop on or to withdraw the application and readdress the issue.

The Daly's stated they are willing to go forward with the way it is today.

Attorney Mortell presented to option to continue tonight or extend this to a time certain of 30 days, the first meeting in November, to negotiate with the City Manager.

The Daly's agreed to the 30-day extension.

 7:22 PM Motion: Motion that we extend this item for 30 days to give staff time to work out the items of the lease and to speak with the Daly's during the negotiation process.


Moved by: Commissioner Glass Leighton

Seconded by: Commissioner Meier

Motion passed unanimously.

**\*Clerk's Note: Agreement negotiated sooner than 30 days; Pelican Café Lease Agreement will be on the October 28, 2019 Commission Meeting Agenda.**

## **ORDINANCE FIRST READING**

 **7:23 PM 13. ANNEXATION OF PROPERTY NORTH-WEST KANNER HIGHWAY AND INDIAN STREET (QUASI-JUDICIAL):**

ORDINANCE No. 2415-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND ON THE NORTHWEST CORNER OF STATE ROAD 76 (AKA KANNER HIGHWAY) AND SW MARTIN HIGHWAY, CONSISTING OF 15.88 ACRES, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Six (6) people sworn; Kevin Freeman and Stephen Mayer of the City of Stuart, Troy Holloway and Patricia Lentini of Gentile Glas Holloway, O'Mahoney & Associates, Richard Aaronson, Owner, and Marcela Cambor.**

**Applicant, Troy Holloway, Landscape Planners presented the annexation project.**

### **Public Comment:**

- 1) Susan Starr – Kanner Hwy.; Commented on concerns that it does not become a slippery slope to include Riverland and other properties west of Kanner and that there is a buffer between the development and Riverland.**
- 2) Robin Cartwright – Pine Cove Court; commented that they are already experiencing increased traffic, opposed to the annexation.**
- 3) Linda-Kay Richards – Cabana Pt. Circle; Commented that with too many annexations, the City is growing too large like areas south, opposes the annexation.**

 **7:49 PM Motion: Move approval of Ordinance No. 2415-2019 on First Reading.  
Moved by: Commissioner Glass Leighton  
Seconded by: Vice Mayor Clarke  
Motion passed 4/1.**

**Bruner - YES  
Clarke - YES  
Glass Leighton - YES  
Matheson - NO  
Meier - YES**

#### **14. SINGLE-USE PLASTICS AND POLYSTYRENE PRODUCTS:**

ORDINANCE No. 2413-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, CREATING A NEW ARTICLE IX IN CHAPTER 20 OF THE CITY CODE ENTITLED "EXPANDED POLYSTYRENE AND PLASTICS REGULATION"; PROVIDING FINDINGS, INTENT AND DEFINITIONS; CREATING DIVISION (A) RELATED TO REGULATIONS FOR THE DISTRIBUTION OF EXPANDED POLYSTYRENE AND SINGLE-USE PLASTICS ON CITY-OWNED PROPERTY AND RIGHTS-OF-WAY; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Commission briefly discussed clarification of plastic bags.**



**7:51 PM Motion: Motion for 2413-2019 to be adopted.**

**Moved by: Vice Mayor Clarke**

**Seconded by: Commissioner Meier**

**Motion passed unanimously.**

#### **15. PROHIBITION OF PLASTIC STRAWS WITHIN CITY LIMITS:**

ORDINANCE No. 2416-2019; AN ORDINANCE OF THE CITY OF STUART, CREATING DIVISION B IN ARTICLE IX, CHAPTER 20 OF THE CITY CODE RELATED TO REGULATIONS FOR THE DISTRIBUTION OF SINGLE-USE PLASTIC STRAWS BY FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.



**7:58 PM Motion: Motion to approve Ordinance No. 2413 2416-2019.**

**Moved by: Commissioner Matheson**

**Seconded by: Commissioner Meier**

**Motion passed unanimously.**

#### **16. ZONING TEXT CHANGE TO ESTABLISH REGULATIONS ON FRONT YARD FENCES IN THE R-2 ZONING DISTRICT:**

ORDINANCE No. 2406-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 6, SECTION 6.09.05, "FENCES, WALLS, HEDGES AND ENCLOSURES" OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR REGULATIONS THAT SHALL LIMIT THE HEIGHT, TYPE AND LOCATION OF FENCES IN THE FRONT YARD OF RESIDENTIAL SINGLE FAMILY/DUPLEX (R-2) DISTRICT PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.



**7:59 PM Motion: Move approval of Ordinance No. 2406-2019.**

**Moved by: Commissioner Glass Leighton**

**Seconded by: Commissioner Meier**

**Motion passed unanimously.**



**ORDINANCE SECOND READING**

**DISCUSSION AND DELIBERATION**



**8:00 PM ADJOURNMENT**

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**Mary R. Kindel, City Clerk**

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**Rebecca S. Bruner, Mayor**

**Minutes to be approved at the Regular Commission  
Meeting this 28<sup>th</sup> day of October, 2019.**